

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10861 of 2014

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Ganga Sagar Singh Son of Late Ram Charitar Singh Resident of village - Bidupur,
P.O. Nawanagar, P.S. Bidupur, District – Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Vaishali at Hajipur.
2. The Circle Officer, Raghapur, District – Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. Raj Nandan Prasad-S.C-9

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-07-2016

Heard learned counsel for the petitioner.

The petitioner is aggrieved by the impugned order by which the learned court below has turned down the prayer made on behalf of the petitioner for adducing the Register-II in evidence.

The facts as appearing from the application as well as from the submissions on behalf of the petitioner demonstrate that the suit was filed by the petitioner in the year 1984 for declaration of his title and possession over the suit land. The suit proceeded and both plaintiff-petitioner as well as defendants led their evidence and after completion of the evidence by the parties the suit has been posted for argument. At that stage, the petitioner made a prayer before the court for adducing Register-II in evidence. The learned court below, after

considering the facts and circumstances, has declined to allow the prayer of the petitioner.

In the backdrop of the aforesaid facts, it does not appear that the petitioner has made any prayer for adducing such evidence at the stage when the evidence on his behalf was being adduced. There was no explanation as to why the said prayer was not earlier made. The learned court below in the impugned order has clearly come to the conclusion that the suit is very old and at the stage when such prayer has been made it was not possible to allow the said prayer. During the course of submissions also it could not be established on behalf of the petitioner the learned court below has acted with material irregularity or error of jurisdiction in passing the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	
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